



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,399	02/26/2004	Dustin Sorenson	DC-05334	4527
33438 7590 05/09/2008 HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			EXAMINER RILEY, MARCUS T	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 05/09/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@hamiltontertile.com
seaton@hamiltontertile.com
tmunoz@hamiltontertile.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/787,399	Applicant(s) SORENSON ET AL.	
	Examiner MARCUS T. RILEY	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-20.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625

/Marcus T Riley/
Examiner, Art Unit 2625

NOTE 3: Applicant submits that Turbeville and Hall cannot make obvious Claims 1, 8, and 18 because Turbeville and Hall fail to teach, disclose or suggest all elements recited by Claims 1, 8 and 18. For example, Turbeville and Hall fail to teach, disclose or suggest "a consumable handler associated with the information handling system, the consumable handler operable to monitor the peripheral to detect a consumable trigger event and to assemble order information associated with the consumable trigger event in a predetermined format" as recited by Claim 1; "detecting a consumable trigger event associated with the peripheral" as recited by Claim 10; and "a consumable handler interfaced with the printer driver to accept detected consumable quantity, to apply the detected consumable quantity to determine a trigger event, to display the trigger event at the information handling system for user-selected initiation of a consumable order, and to communicate order information to a consumable order server upon user-selected initiation of a consumable order" as recited by Claim 18. Hall addresses advertising, not information handling system peripherals or detecting a consumable quantity.

Examiner submits that Turbeville '871 in combination with Hall '801 discloses detecting a consumable trigger event associated with the peripheral; assembling order information associated with the consumable trigger event in a predetermined format ("...customer-specific advertisements are being pushed to the information customer's mobile terminal upon the occurrence of a specified event (e.g., the mobile terminal has transitioned into a specific cell location). The advertisements are formatted according to device characteristics. In the case of a custom application, the mobile terminal ID and location are used to trigger the operation of the custom application to provide custom information to the mobile terminal of the information customer." column 4, lines 12-22). See also ("...it is WAP server 344 that monitors and determines the capabilities of mobile terminal 328 and the format of the information that should be transmitted to it." column 10, lines 53-56). Thus, Turbeville '871 in combination with Hall '801 does disclose information handling system peripherals or detecting a consumable quantity.

This limitation raises new issues that would require further consideration and/or search.

Continuation of 11: Claims 1, 10 and 18 as well as claims 2-9, 11-17 and 19-20 that depend from claims 1, 10 and 18 have been considered but does NOT place the application in condition for allowance because the finally rejected claims do not overcome the prior art of record.